

# EXHIBIT B

## Nicholas Campins

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**From:** Scott Summy <SSummy@baronbudd.com>  
**Sent:** Monday, July 17, 2023 11:16 AM  
**To:** Nicholas Campins  
**Cc:** Michael London; Paul Napoli; beth@feganscott.com; Jeremy Brown; Brendan Hughes; Matt Edling; Stephanie Biehl; Jackson, Bill J.  
**Subject:** Re: In re AFFF Products Liability Litigation - 2:18-mn-2873-RMG - Request for Extension to Oppose Motion for Preliminary Approval of Class Settlement, Certification & Notice

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

I am fine with this. No objection.

On Jul 17, 2023, at 1:01 PM, Nicholas Campins <Nicholas.Campins@doj.ca.gov> wrote:

Mike, Paul, Scott and Beth (copying the People's outside counsel and others who have been involved in these discussions on the Sovereign Committee)

If you agree that Dkt No. 3408, attached hereto, applies to California and its state agencies, such that you will not raise timeliness objections to any state or state agency filing that falls between today and Jul 24, 2023, California shall hold off on its presently anticipated filing to allow time for the PEC and the states to work collaboratively as discussed yesterday and the days preceding.

Please confirm the underlined ASAP.

Thank you.

Nick Campins  
Deputy Attorney General  
Bureau of Environmental Justice  
Environment Section  
California Attorney General's Office  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612  
Office: 510-879-0801 (forwards to cell)

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**From:** Nicholas Campins  
**Sent:** Friday, July 14, 2023 2:32 PM  
**To:** 'Michael London' <mlondon@douglasandlondon.com>; 'Paul Napoli' <PNapoli@NSPRLaw.com>; 'Scott Summy' <ssummy@baronbudd.com>; 'beth@feganscott.com' <beth@feganscott.com>  
**Cc:** Jeremy Brown <Jeremy.Brown@doj.ca.gov>; Brendan Hughes <Brendan.Hughes@doj.ca.gov>  
**Subject:** RE: In re AFFF Products Liability Litigation - 2:18-mn-2873-RMG - Request for Extension to

Oppose Motion for Preliminary Approval of Class Settlement, Certification & Notice

**Importance:** High

Michael, et. al.:

I am writing to inform you that in support of California's Opposition to Motion for Preliminary Approval of Class Settlement, Certification & Notice, California presently intends to file two Motions to Intervene. The first will be by the People of the State of California, by and through Attorney General. The second will be by the California State Water Resources Control Board and the California Department of Corrections and Rehabilitation. Based on your response to our previous requests, I assume that Class Counsel will oppose both motions and there is no need to further meet and confer.

Nevertheless, if you would like to meet and confer concerning the Motions to Intervene, please let me know. I will be working and available the entire weekend.

Thank you.

Nick Campins  
Deputy Attorney General  
Bureau of Environmental Justice  
Environment Section  
California Attorney General's Office  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612  
Office: 510-879-0801 (forwards to cell)

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**From:** Nicholas Campins

**Sent:** Thursday, July 13, 2023 3:03 PM

**To:** 'Michael London' <[mlondon@douglasandlondon.com](mailto:mlondon@douglasandlondon.com)>; Paul Napoli <[PNapoli@NSPRLaw.com](mailto:PNapoli@NSPRLaw.com)>; Scott Summy <[ssummy@baronbudd.com](mailto:ssummy@baronbudd.com)>; [beth@feganscott.com](mailto:beth@feganscott.com)

**Cc:** Jeremy Brown <[Jeremy.Brown@doj.ca.gov](mailto:Jeremy.Brown@doj.ca.gov)>; Brendan Hughes <[Brendan.Hughes@doj.ca.gov](mailto:Brendan.Hughes@doj.ca.gov)>

**Subject:** RE: In re AFFF Products Liability Litigation - 2:18-mn-2873-RMG - Request for Extension to Oppose Motion for Preliminary Approval of Class Settlement, Certification & Notice

Michael, et al:

Thank you for your letter. I have only had time to skim it, but I understand that Class Counsel is denying our request for a 14 day extension. This denial of a routine professional courtesy for a short extension to review a Motion filed on July 3 is both surprising and disappointing.

I will not be able to make it to tomorrow's status conference in South Carolina and it is my understanding that the Court does not allow virtual appearances. Therefore, in your role as PEC, please inform the Court that the State of California presently anticipates filing an opposition on Monday.

Please direct all of your communications concerning this Motion to government attorneys at the California Department of Justice.

Sincerely,

Nick Campins  
Deputy Attorney General

Bureau of Environmental Justice  
Environment Section  
California Attorney General's Office  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612  
Office: 510-879-0801 (forwards to cell)

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**From:** Michael London <[mlondon@douglasandlondon.com](mailto:mlondon@douglasandlondon.com)>  
**Sent:** Thursday, July 13, 2023 2:30 PM  
**To:** Nicholas Campins <[Nicholas.Campins@doj.ca.gov](mailto:Nicholas.Campins@doj.ca.gov)>; Paul Napoli <[PNapoli@NSPRLaw.com](mailto:PNapoli@NSPRLaw.com)>; Scott Summy <[ssummy@baronbudd.com](mailto:ssummy@baronbudd.com)>; [beth@feganscott.com](mailto:beth@feganscott.com)  
**Cc:** Jeremy Brown <[Jeremy.Brown@doj.ca.gov](mailto:Jeremy.Brown@doj.ca.gov)>; Brendan Hughes <[Brendan.Hughes@doj.ca.gov](mailto:Brendan.Hughes@doj.ca.gov)>; Stephanie Biehl <[Stephanie@sheredling.com](mailto:Stephanie@sheredling.com)>  
**Subject:** RE: In re AFFF Products Liability Litigation - 2:18-mn-2873-RMG - Request for Extension to Oppose Motion for Preliminary Approval of Class Settlement, Certification & Notice

**EXTERNAL EMAIL:** This message was sent from outside DOJ. Please do not click links or open attachments that appear suspicious.

Hello Nicholas,

Attached please find a letter from Paul Napoli on behalf of Beth, Scott, and myself. And as noted in the letter we are happy to discuss.

Thank you.

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**From:** Nicholas Campins <[Nicholas.Campins@doj.ca.gov](mailto:Nicholas.Campins@doj.ca.gov)>  
**Sent:** Wednesday, July 12, 2023 7:54 PM  
**To:** Michael London <[mlondon@douglasandlondon.com](mailto:mlondon@douglasandlondon.com)>; Paul Napoli <[pnapoli@nsprlaw.com](mailto:pnapoli@nsprlaw.com)>; Scott Summy <[ssummy@baronbudd.com](mailto:ssummy@baronbudd.com)>; [beth@feganscott.com](mailto:beth@feganscott.com)  
**Cc:** Jeremy Brown <[Jeremy.Brown@doj.ca.gov](mailto:Jeremy.Brown@doj.ca.gov)>; Brendan Hughes <[Brendan.Hughes@doj.ca.gov](mailto:Brendan.Hughes@doj.ca.gov)>  
**Subject:** In re AFFF Products Liability Litigation - 2:18-mn-2873-RMG - Request for Extension to Oppose Motion for Preliminary Approval of Class Settlement, Certification & Notice  
**Importance:** High

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Elizabeth, Michael, Scott, and Paul:

Along with my colleagues, I represent the People of the State of California in this action. The People have reviewed Plaintiffs' Motion for Preliminary Approval of Class Settlement, For Certification of Settlement Class and for Permission to Disseminate Class Notice ("Motion"). We have determined that the settlement will impact State assets. These include 16 Community Water Systems that are currently under administrator-ship (or due to be under administrator-ship shortly) by the State Water Board (and therefore under State control), water systems owned and administered at state prisons by the State (which can sue or be sued), and other systems (including parks). Likewise, the Settlement's defects will

likely result in (a) many more systems failing, which would in turn result in some portion of those systems needing to have administrators appointed; and (b) many more systems requesting and receiving funds for PFAS treatment from the State. Some of the defects include (but are not limited to):

- The settlement amount is insufficient to pay for treatment of contaminated drinking water nationwide.
- The amount that each system would receive under the settlement is not ascertainable.
- The payout period is overly long, extending through 2036.
- The exemption of state-owned water facilities should be clearer.
- The release could create uncertainty about whether claims for soil contamination and other harm related to water systems are covered.
- The release encompasses PFAS compounds that are not the subject of litigation and have not been widely tested in California.
- The proposed class is flawed in that it lacks the necessary representatives, its scope is not ascertainable, and it is overly broad.

With this in mind, we have determined that the State has a duty to oppose this Motion. We understand that many hours and much effort has gone into this settlement and we do not take this decision lightly. However, the deal in its present form will be detrimental rather than beneficial to the State of California.

We respectfully request that you agree to a 14 day extension of the opposition deadline so that we can meet and confer with you and attempt to address our concerns. Given the extremely tight timeframe we request a decision by the close of business (East Coast) tomorrow (7/13). If we are not given an extension, we will oppose the motion on Monday.

Given that we are opposing a motion filed by most members of the PEC, we read CMO 3's requirement to obtain permission to file as not applicable to this scenario. If you disagree and/or are unwilling to grant such permission, please let us know so that we can address that in our papers.

Finally, as noted above, please be advised that this email and any replies may be filed with the Court. Please do not include any privileged or confidential information that cannot be publicly filed.

Thank you.

Nick Campins  
Deputy Attorney General  
Bureau of Environmental Justice  
Environment Section  
California Attorney General's Office  
1515 Clay Street, 20<sup>th</sup> Floor  
Oakland, CA 94612  
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